

## **Amherst Charter Commission meeting of May 22, 2017, Amherst Police Station Community Room**

Members present: Andy Churchill, Meg Gage, Nick Grabbe, Tom Fricke, Mandi Jo Hanneke, Irv Rhodes, Gerry Weiss.

Members absent: Julia Rueschemeyer, Diana Stein.

Collins Center: Michael Ward.

### **Agenda**

1. Call to order, approve agenda, approve minutes (5 minutes)
2. Public comment (15 minutes)
3. Review list of remaining sections of Charter to finish, discuss timeline (10 minutes)
4. Work on master draft language to harmonize with manager-council form, starting with executive and legislative articles (up to 3 hours)
5. Time permitting, work on language for other articles (may include Executive, School Committee and Other Elected Offices, Elections, Planning)
6. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
7. Adjourn
8. Brief meeting of Transition Article working group

### **The meeting was called to order at 5:33 p.m.**

*Gerry will be joining around 7 p.m.*

**Churchill:** Motion to approve minutes. Seconded.

#### *Public Comment*

**Walter:** Looked at master draft charter, draft 19, May 18 2017. The 3 councilors at large have 4 year, not 3 year terms, which felt odd. There were also references to 10 precincts. For voters looking at this there might be confusion between precincts and wards.

**Churchill:** We haven't finalized that language, but will be looking at that tonight.

**Walter:** There was a master plan that had an implementation chapter. The recommendations were never implemented but the master plan was outside of the Amherst town government act. The commission might consider bringing the master plan into the charter. Thinking about revealing the recommendations of the master plan implementation charter.

**Churchill:** We've had some conversations about that but we will consider that as well.

**Ward:** On the punch list I sent, the first section has the major items to discuss. We went through and pulled out what we see as issues that need to be revisited based on the shift and direction of the executive. *Explains changes made.* There are some sections remaining where there's still work to be done.

**Gage:** When do we talk about the role of the Collins Center?

**Churchill:** Mike and I talked about it. Mandi and I looked through the budget and it looks like we have about \$3000 left that we could devote to additional work. The Collins Center is able to give us the support necessary for that amount, but we can only have one person in each meeting. We'll be doing an updated interagency services agreement... Our hope is to get through the executive and legislative.

**Hanneke:** I did a doodle poll. There were 6 meeting times, in addition to the 5 beyond today, where 7 of 8 people who responded could make the meeting. Would like to add a meeting on Thursday June 15th at 5:30, Monday June 19th at 5:30, June 22nd at 5:30, Monday July 3rd, Monday July 10th and Thursday July 13th. That is the last week before the draft is due to the printer.

**Churchill:** Let's start on the master draft language.

**Ward:** Would like to continue working through the town manager article 3. There were a few things people wanted to revisit. In section 3-1 there was a request for language options for the town council waiving or extending the residency requirement. We included a couple of options.

**Churchill:** We thought that it was nice for the town manager to live in town, but in some cases it might be nice to get out of town so it's not an all-encompassing existence. Consensus was that we would prefer to have someone in town unless there's a compelling reason not to. We want to be flexible.

*Continue with Section 3-2 (n). Deliberation about language and whether financial strategizing is the responsibility of the town manager.*

**Ward:** Many towns do financial 5-year strategizing on the revenue side.

**Churchill:** I think we do that anyway. Addressed question to the public because the former finance chair is present. *He answered that Amherst has been doing it for a while.*

**Hanneke:** *Referring to emergency preparedness planning(Q).* I would prefer to leave it for the manager. I would delete Q as it's worded here. It's more reasonable to rest with the manager because they're dealing with the day-to-day management.

**Rhodes:** When we talk about the council being elected by citizens of Amherst, and there's an emergency, the council is held blameless because they've not been involved in the town planning or preparation.

**Hanneke:** I'm okay with changing it to town council, but not council president.

**Rhodes:** The council really needs to be involved in that.

**Churchill:** These are part-time people so they don't need to be fully involved. Let's just leave it as informed. "To ensure the town council is kept informed"

**Hanneke:** Should we add emergency power language?

**Rhodes:** Just to inform the council of the emergency preparedness doesn't seem to be strong enough. When an emergency happens, it's going to affect the entire town in unknown ways. *Consensus to add "fully informed" back in.*

**Gage:** Suggest adding these up to H. Seems related to the manager's obligations to keep the council informed about important things.

**Hanneke:** How about we give Mike authority to regroup it.

**Churchill:** I met with Bridgewater and Franklin councilors. Got these three page of a goal setting workshop and they came up with fiscal, economic development, community and recreation priorities for the next five years. The manager uses this to report progress. These may be the kind of things that could come out of that discussion.

**Gage:** I like connecting it to work plans. Don't know if it's too specific for charter language, but I like the idea that the manager does longer term planning, so that people can see how the town is planning to carry these priorities out and so there isn't a disconnect.

*Continue deliberation about minor language changes.*

**Hanneke:** I wanted to move Z and AA to a different section. Thought it would be better to focus on public communication. It could be an email at least once a month.

**Churchill:** What's the community engagement officer's role? There are regular communication sections. I would like to see some of these things co-sponsored by the council.

**Rhodes:** Would be great for the town manager to do that. It can say "once a year prior to budget development." It's important for the town manager and for the council for planning purposes but also to inform the town.

**Fricke:** Is this best described as a joint meeting or public address? Would it make more sense to have the manager address?

**Ward:** Keep in mind that you have 3 public forums a year. This is for pushing out information about the state of the town.

**Gage:** I would want the manager to address once a year about the present challenges, vision etc.

**Hanneke:** Concerned about the language of a "joint-noticed meeting" as might not be possible in this town. Just call it a public address to the town.

**Rhodes:** Joint meeting is over the top. If I were town manager, I would talk about what's coming up in the year without first planning with the council.

**Churchill:** The manager would jointly plan with the council. The policy side might be with the council president. The manager might be more technical.

**Fricke:** Having this, I can imagine lots of people wanting to have the opportunity to speak at this.

*Next discussion.*

**Rhodes:** I met with some select board members separately. They were very adamant that there be search committees for department heads. It should be that town council members would be a part of those search committees. It seems like if the select board wanted to be a part of the search committees, they would have said so, but they didn't do it because they said it was never in the bylaws.

**Hanneke:** They can specify that.

**Ward:** The council will have eventual approval authority. You do want the manager to be able to craft the team.

**Rhodes:** If I knew that I would need to have these appointments go through the council, as a manager I would want them to be involved.

**Ward:** It seems like you'd want this extra check in there. You've left this plenty of flexibility here so the manager can go to council.

**Hanneke:** I think it's vague enough. Allows flexibility.

**Ward:** You do have the power to make the library director an employee of the town manager. Either entirely appointed by or in conjunction with the library of trustees. *Everyone agrees with a strong no.*

*7:16pm Gerry Weiss joins.*

**Hanneke:** From a practical matter, the council is a volunteer organization, passing all bylaws. There are a lot of requirements and time commitment-wise, it could dissuade people from running.

**Weiss:** It's a lot of work to do it right.

**Grabbe:** When you were appointing people as a member of the select board, was it a burden?

**Weiss:** It was difficult but it was an important job I thought.

**Grabbe:** And you're okay transferring that function to a manager?

**Weiss:** Yes.

*Continue onto D, Community participations officer.*

**Rhodes:** Will this person fall under the other appointed employees or a staff position?

**Hanneke:** It's a new position we're creating. A staff position.

**Ward:** Right now it's vague enough that it could be an existing position or a new position.

**Gage:** We made a decision to leave it vague. I agree it's more likely happily received if there's more flexibility.

**Hanneke:** I would take out the phrase on top of page 15, "to reach out and increase diversity" as it's not clear.

**Rhodes:** I would keep in diversity. It's vague but is needed.

*Grabbe agrees. Gage thinks that it could be rewritten. Further deliberation about language.*

**Gage:** This is about engaging communities who live in town that aren't involved right now.

**Grabbe:** How about participation of a diverse group or others?

**Churchill:** Suggest adding "promote participation in local government by a diverse group of residents" or "by diverse residents."

*Gage suggests working on modifying the language.*

**Ward:** Section 3-4.

**Rhodes:** Are we saying that the town manager can remove any department head without confirmation by the council?

**Ward:** Yes, that's a challenge if removing a department head.

**Rhodes:** Those are some important people we're talking about here. The manager can remove them without review?

**Hanneke:** Yes, that's how it is now.

**Churchill:** The alternative is worse. You can't have a public firing.

**Grabbe:** Several times there have been instances with town employees disappearing without telling the public. It can be very messy, especially if they have a lot of interaction with the public.

**Ward:** Another piece we haven't mentioned: when recruiting town managers, if they see that they can't dismiss someone, that may be a red flag for the ability to hold their team accountable. I would think that putting some sort of anchor point in the compensation section would be useful.

**Rhodes:** It's an important transition point that needs to be made explicit.

**Ward:** Let's move onto temporary absence. I want to propose a new section for 3-8 and take Watertown's language temporarily.

**Hanneke:** The town council may suspend. The manager can request public hearings. I thought the words "as requested" by the town manager were less clear.

**Churchill:** They may suspend the town manager.

**Hanneke:** If the manager can request a public hearing, you can still suspend that person pending the public hearing.

**Rhodes:** Is there a legal reason for that? That the manager has the right to call for a public hearing if he or she is being terminated by the town council?

**Hanneke:** I think it's good practice.

**Rhodes:** I don't know if it's good practice.

**Churchill:** They can suspend.

**Hanneke:** This makes sure that they can have a public hearing if the manager requests one.

**Ward:** Right now it says the majority of the council can vote to remove or suspend. It could be the supermajority.

**Rhodes:** Definitely not supermajority.

**Churchill:** The council is accountable to the public. You need to have a majority.

**Gage:** It makes me nervous because it's a big deal to get rid of your executive.

**Weiss:** Seven people would have to publicly say to fire this person.

**Fricke:** Nervousness is a good sign since we want accountability.

**Gage:** I'm nervous because I want to make sure it's not too easy to do.

*Annual Review section.*

**Rhodes:** Why is not the full evaluation released to the public? Why only a summary? I thought the full evaluation did not include any sensitive areas.

**Ward:** If the superintendent had to deal with highly sensitive matters, it would be easier if they knew that that portion of the review wasn't going to be made public.

**Hanneke:** Motion: would like to move to change the council size to 9.

*Churchill seconded.*

**Hanneke:** I did some academic reading. Council manager systems have lower turnout than council mayor systems. Turnout is important. Competitive elections increase turnout. Bigger offices increase turnout. In the current system we're electing 100% of the select board members. If we keep it at 13, each voter can only vote for 31% of their chief policymakers (4 of 13 -one rep and three at-large). That's a huge decrease. If we move it to 9 (4 at-large and 5 district) each voter would have a vote for 55% for the majority of policymakers in town. I don't think we should reduce the say of the policy makers down to less than 1/3rd. Let them elect at least a majority, which requires either much more at-large or taking it down to 9. Elections are central vehicles for producing representation. Voters have more at stake when directly selecting their representatives. At-large elections show that small districts result in worse representation. Smaller districts are more difficult to take unified action. If you're making it harder for the council to take unified action, it's harder to create policy. I think we need to make it easier to create policy.

**Rhodes:** I think I can agree with some arguments. I don't agree that decreasing the size of the council will increase voter participation. We have 10 precincts now and voter participation isn't high.

**Hanneke:** Moving the elections to November can help that.

**Rhodes:** All I want to look at is what's happening over time in Amherst. Will we increase voter participation by decreasing the number of council members? I believe it will not. I will argue against that. It sends the wrong message to our citizens.

**Grabbe:** We were talking having a 13 member council and about the possibility of doing what you are proposing for it: creating 5 precincts instead of 10 and having 2 councilors per precinct. If we did that, then each voter would vote for 5 out of 13, which is still not a majority. I disagree with Irv on one point. I agree with Mandi that it would increase voter turnout. The fewer members of this council there are, the more important this election is. It would generate interest in the electorate and increase the number of candidates.

**Churchill:** I think that 9 allows for deliberation. It's easier to talk in a group. One of them said it's really a political decision, as the difference isn't substantial enough. We did hear from some political science folks that if you have a mayor and a council, it's easier to work with a larger council. I like the idea of having wards rather than precincts. If we have 13 council members from 5 districts, it might be better to combine them in ways to balance out unevenness. It would give options for voters and those representatives would be representing a fifth of a town. With a manager it is helpful to have a smaller group.

**Fricke:** Does anyone know how big a precinct is in terms of number of people?

**Hanneke:** In our town each precinct is about 4000 inhabitants.

**Fricke:** One concern is that I wanted to create elections which are accessible and competitive at the same time. What are you thinking of in terms of terms for 9 persons?

**Hanneke:** I would even out the terms. I think it would take 4 year terms for everyone. If this is going to be a policymaking body, we need longer terms for policy to be implemented. If the council is implementing policy, 4-year terms make more sense.

**Churchill:** Four years is a long time. If it's a precinct person, it's not so hard to run every 2 years.

**Rhodes:** If we go from 13 to 9, we're also talking about decreasing and consolidating precincts and wards. I'm really concerned about that. We need to be careful about what we put out there to the public. No matter how persuasive some of the research might be, we need to stay close to Amherst.

**Hanneke:** I'm concerned that now we're going to tell the voters they can only vote for 4 of 13 people. They can't even elect the majority of people. That sends a bad message.

**Rhodes:** It seems to me you also have to consider that people in various precincts have more of a say of who's representing them. From the precinct level, having someone who I know and has come to my door, representing my neighborhood is good. Consolidating those precincts into wards, would make for a much larger neighborhood.

**Gage:** Agree with Irv. We haven't talked enough about how the council would be managed and the role of the president. We need to talk about the structure of the council. There are ways of making it manageable. The voting thing is really tricky. Voting is important, but it's a really blunt instrument. It's one day, based on whatever information they may have that day, and it feels like it's only one way of participating. If we say that this is the most important thing one does, it undervalues other efforts they may be making. I'm not against voting but it's one of many ways our democracy works. I think that voting is important but not the most important to measure how people participate in town. People are really going to miss just what Irv said. It's been the criticism of town meeting, but a lot of people do know that it's important to have someone from their precinct and it's hard to imagine how that would feel.

**Hanneke:** We've heard a lot of local frustration about town meeting. We've heard a lot less vocal frustration of the select board. We have to recognize that voting for most people is how they participate.

**Weiss:** I do have to make my standard statement about town meeting: you have a large enough body who will be representing you. I'm going to say that every time. It's not about voting. They had to come up with a system. Once you limit it, you have to have a new system as to how you do it. You can make all of them at-large, can't you?

**Hanneke:** Tracking becomes a problem at that point.

**Weiss:** I'm not promoting it, but just saying. The at-large advantages are that they're not representing a neighborhood. If you're in South Amherst and people are upset in North Amherst,

you're tossing up goods and bads. I don't think there's a lot of differences between 13 and 9 so not a big deal. I will vote no because it's part of a council.

**Churchill:** I don't think we realize how transformative it will be to have a council. I do like the idea of having seat at the table to represent those concerns. For that reason, it's important to have a district and have people stay close to a district. It's harder to run for elections town wide. Do feel that it'll be less efficient to have 13 than to have 9, but if making the transition from a 240-person town meeting to a smaller council that's starting with 13 (10 district reps plus 3 at-large), makes some sense. Don't feel strong enough that 9 will be more efficient than 13. I'm comfortable with 13. In a perfect world I would vote for 9 but could be persuaded either way.

**Rhodes:** I'm obviously for keeping 13. Aware that when putting this out to the public to vote, the public will be voting to propose to take their precincts to combine them to wards. I will not feel comfortable going to the voters and saying you're electing 9 to a council. It doesn't seem right. It may make all kinds of academic sense, and didactically I can not dispute that, but politically and perception-wise, it doesn't feel right.

**Hanneke:** I want to go back to the 10 vs 5. In town we have complication: when we divide this town in smaller and smaller units, we have disproportionate ratios. By going smaller, we give some voters a whole lot of say in who their rep is over someone else's. When you look at how many people vote in precinct 5, in a normal election we may have 100 votes during the whole day. Then other precincts have 500 or so. By combining areas, you will even out the ratio of voters to inhabitants. It's very lopsided as to how many voters are in each one.

**Rhodes:** Agree with that but do not agree with the number of 9.

**Gage:** You said that people influence elected leaders when they lobby. Influencing an elected official largely happens after they're elected--especially when we have a skewed electorate. How do voters influence elected officials? Election day is some of it, but the bulk is when they weigh in on something they care about. I'm not opposed to voting but I think it's only one tool.

**Rhodes:** People who are voting do not think mathematically.

**Fricke:** Public perception is important. How different does it feel? I'm concerned about the difference between an at-large electorate and a precinct electorate. The at-large are all voted by the same people. I want a balance. Research shows that at-large districts represent best the majority in the town. When creating voting districts that are smaller, it pushes towards the precinct idea. It's not going to look so great for people who like town meeting. We also still haven't said anything about the town council president's role. I like the 2-year term in general, but willing to go along with a 4-year term at-large. I do not have a strong feeling about 10 vs 5.

**Rhodes:** Getting frustrated. Feeling like we're digressing from the motion and going into other unnecessary issues.

**Weiss:** All of the low voter turnout areas are pretty clumped.

**Grabbe:** I'd like to say that I agree with a lot of what Mandi said. Also agree with what Irv said about how this would appear to the public. A 9-member council would run more efficiently but would look bad to make this change right now (in the public's mind). It's a big reduction from 240 to 13 and now 9. It looks like we're decreasing citizen participation even if we're not.

**Weiss:** For people who want town meeting it wouldn't matter if there are 9 or 13.

*Churchill takes vote: yes means shrinking to 9. No means remaining at 13.*

*All in favor: Hanneke and Grabbe. (2)*

*All opposed: everyone else. (5)*

**Churchill:** In terms of staying at 13... 5 wards or 10?

*Fricke makes motion for 5. Churchill seconded.*

**Gage:** I feel like we haven't thought about it enough. I may abstain.

**Fricke:** We could get the most popular and second most popular candidates.

**Hanneke:** That depends how you do rank choice. If 55% percent, each one would only be able to pick one. *Discussion of proportional representation.*

**Grabbe:** Motion to create 5 wards composed of 2 precincts each.

*All in favor of 5 wards: 5 votes.*

*Gage opposed and Weiss abstaining.*

**Churchill:** So we have 13 councilors, 10 precincts combined into 5 wards (two councilors per ward) and 3 at large councilors. Regarding length of terms: We're talking about November elections? Two year or 4-year terms? Currently most are 3 year terms. Northampton has both ward councilors and at-large councilors, and they're all 2-year terms.

**Hanneke:** In the charter, we've picked 2-year terms for the library of trustees. Would like to even them all out. Makes the charter easier to understand.

**Rhodes:** 2 years for everyone? Every 2 years? In practicality, that means that you serve one year, then your next year is an election year.

**Hanneke:** Look at how long our elections are now.

**Churchill:** If you're a precinct councilor, is there a difference between at-large and precinct councilors?

**Rhodes:** It's a good benefit to have 3-year terms.

**Hanneke:** Practically it doesn't work. You want to increase turnout.

**Rhodes:** You have to sacrifice something. What you're sacrificing is that you don't have those at-large people serving a longer term than the ward councilors

**Fricke:** It's a selling point.

**Hanneke:** They would be having policy discussions more frequently.

**Churchill:** Mike, anything to add?

**Ward:** Two is a lot more common in MA.

*Hanneke makes motion for all councilors to have 2-year terms.*

*All in favor: 5*

*Grabbe opposed and Weiss abstaining.*

*Continue onto 2-2.*

**Hanneke:** I suggest we start with b, powers and duties.

**Gage:** Two things to add. Right now I have the impression that the town manager deals with each select board individually a lot. You'd want this person to be managing the council in a way that the manager doesn't have to deal with 13 people sending emails all the time and that the 13 councilors aren't demanding things. Council members' concerns would go through the council president. One of the things that I would add is that it seems like this person would have to work fairly closely with the manager to make sure that the manager is on track.

**Churchill:** You want councilors to go to the president. Communication should be funneled some way.

**Gage:** This person has to be paid more.

**Rhodes:** If going to call this person president, their duties are not going to change. Whether we call them chair or president, their duties will remain the same.

**Ward:** They're more often called president, but can be chair too.

**Rhodes:** We already talked about a town manager and intergovernmental relations.



**Hanneke:** One chair/president just had performing ceremonial functions. Bridgewater also had state of town address given working in conjunction with the town manager.

**Grabbe:** Are we assuming that we want this person just coordinating?

**Churchill:** I would prefer the facilitator being the chair of policy leaders. If you're a council member, you should be meeting with other council members to provide a process of what can happen.

**Grabbe:** If going to give this person any special powers, I would want them to be elected.

**Churchill:** I think the council should have the power.

**Gage:** If we need to do this tonight, it's should be a leadership role, not just a facilitator.

**Churchill:** If they're directly elected by voters, they're not necessarily the best person.

**Rhodes:** I wouldn't want them to be directly elected by the voters.

**Gage:** We want someone who will be not just a facilitator.

**Churchill:** In Bridgewater I asked them who's in charge of what. The manager said if there's a nuts and bolts issue, then I do it. If it's a political thing, the council does, or we both do it.

**Rhodes:** We already defined the sense of duties.

**Gage:** We need to make sure we're moving forward. I'm fine if we add "and oversee."

*Discussion about whether to keep "perform ceremonial functions and any other duties."*

**Gage:** Keeping chair of the council, not president?

*Consensus to revisit when less tired.*

**Churchill:** Next meeting is June 1st. We will talk about planning if Tanya is here. Otherwise, the punch list.

**Churchill adjourned the meeting at 9:32 p.m.**

Respectfully submitted,  
Fiona Servaes

**Documents presented:**

Amherst Charter Commission Preliminary Report Remaining Topics Punch List (Revised 05.18.17)

Town of Amherst Proposed Organizational Chart (May 6, 2017 Vote)